HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.523 of 2005

Dated:07.12.2006

Between:

Puchalapalli Adisesha Reddy.

…Petitioner

and

The Mandal Revenue Officer.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.523 of 2005

ORDER:

The petitioner is a resident of Pedda Cherukuru Village in Nellore District. He purchased the land admeasuring Ac.1.79 cents in Survey No.1364 of Vidavaluru Village in Nellore District, under registered sale deed dated 28.09.2004. He is statedly cultivating the land. The respondent proposed to assign the land in favour of the third parties on the ground that the petitioner purchased the assigned land in contravention of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. The petitioner therefore, filed instant Writ Petition seeking an appropriate writ.

This Court while admitting the Writ Petition on 24.01.2005 ordered *status quo*. The respondent has now moved W.V.M.P.No.774 of 2005 for vacating the interim order. As a short point is involved, the matter is heard finally and is being disposed of by this order.

In the counter affidavit filed by the Mandal Revenue Officer, Vidavaluru, it is stated as follows. The land admeasuring Acs.27.97 cents in Survey No.1364 is classified as Topu Poramboke and subsequently it was split into survey Nos.1439 to 1443. An extent of Acs.4.83 cents was assigned to Pasupaleti Muthyalu in 1967. He sold his portion of the land to Duggisetty Venkata Krishna in violation of the provisions of the Act. Ultimately, the petitioner purchased the land on 28.09.2004. Even before the same, action was initiated for resumption of the land admeasuring Ac.1.79 cents from Gopal Reddy, who himself

purchased the property from Pulla Reddy, and the Mandal Revenue Officer passed orders on 25.09.2004 cancelling the assignment and resumption of the land.

Learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Assignment) raised various contentions. However, it is not necessary to advert to the same. A copy of the cancellation/resumption order dated 25.09.2004 is produced before this Court. A perusal of the same would reveal that except stating that notice is served by substituted service, it is not even mentioned in the body of the order to whom the notice is sent, who is the person who refused to receive the notice necessitating the substituted service. In any view, three days prior to passing of the order, the petitioner purchased the property admeasuring Ac.1.79 cents under registered sale deed dated 28.09.2004, and therefore, he is the person in occupation of the land. The non-issue of notice to the petitioner is not fatal, it is curable even now. Therefore, the respondent should issue notice to the petitioner, obtain explanation and pass necessary orders insofar as the land admeasuring Ac.1.79 cents in Survey No.1364 of Vidavaluru Village is concerned. The Mandal Revenue Officer should complete this exercise within a period of eight weeks from the date of receipt of a copy of this order. This would be a fair procedure that can be followed by the respondent. Till necessary orders are passed, there shall be *status quo.*

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

07.12.2006
vs